

Senate File 540 - Introduced

SENATE FILE 540
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 164)

A BILL FOR

1 An Act relating to the practice of barbering and cosmetology
2 arts and sciences and providing transition provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 10A.104, subsection 14, Code 2021, is
2 amended to read as follows:

3 14. Administer inspections of cosmetology salons under
4 ~~section 157.7~~ and barbershops under ~~section 158.6~~ chapter 157.

5 Sec. 2. Section 147.13, subsection 11, Code 2021, is amended
6 to read as follows:

7 11. For cosmetology arts and sciences, the board of
8 barbering and cosmetology arts and sciences.

9 Sec. 3. Section 147.13, subsection 12, Code 2021, is amended
10 by striking the subsection.

11 Sec. 4. Section 147.14, subsection 1, paragraphs a and n,
12 Code 2021, are amended by striking the paragraphs.

13 Sec. 5. Section 147.14, subsection 1, Code 2021, is amended
14 by adding the following new paragraph:

15 NEW PARAGRAPH. x. For barbering and cosmetology arts and
16 sciences, three members who are licensed cosmetologists, at
17 least one of whom is also a licensed instructor of cosmetology
18 arts and sciences; two members who are licensed to practice
19 barbering and hairstyling; one member who is a licensed
20 electrologist, esthetician, or nail technologist; one member
21 who owns a school of cosmetology arts and sciences; and
22 two members who are not licensed to practice barbering and
23 hairstyling or licensed in a practice of cosmetology arts and
24 sciences and who shall represent the general public.

25 Sec. 6. Section 147.76, Code 2021, is amended to read as
26 follows:

27 **147.76 Rules.**

28 The boards for the various professions shall adopt all
29 necessary and proper rules to administer and interpret this
30 chapter and ~~chapters 148 through 158~~ 157, except ~~chapter 148D~~.

31 Sec. 7. Section 157.1, Code 2021, is amended by adding the
32 following new subsections:

33 NEW SUBSECTION. 01. "*Barber and hairstylist*" means a
34 person who performs the practice of barbering and hairstyling,
35 or otherwise by the person's occupation claims to have

1 knowledge or skill particular to the practice of barbering and
2 hairstyling.

3 NEW SUBSECTION. 001. "*Barbering*" means the practices listed
4 in this subsection performed with or without compensation.
5 "*Barbering*" includes but is not limited to the following
6 practices performed upon the upper part of the human body of
7 any person for cosmetic purposes and not for the treatment of
8 disease or physical or mental ailments:

9 a. Shaving or trimming for hair removal by the use of a
10 straight edge razor.

11 b. Giving facial and scalp massages or treatments with oils,
12 creams, lotions, or other preparations either by hand, or by
13 electrical or mechanical appliances.

14 c. Singeing, shampooing, hair body processing, arranging,
15 dressing, curling, blow waving, hair relaxing, bleaching or
16 coloring the hair, or applying hair tonics.

17 d. Applying cosmetic preparations, antiseptics, powders,
18 oils, clays, waxes, or lotions to the scalp, face, or neck.

19 e. Styling, cutting, or shampooing hairpieces or wigs when
20 done in conjunction with haircutting or hairstyling.

21 NEW SUBSECTION. 14A. "*Hairstyling*" means curling, waving,
22 press and curl hair straightening, shampooing, cutting,
23 singeing, bleaching, coloring, or similar works, upon the hair
24 on the head of any person, or upon a wig or hairpiece when done
25 in conjunction with haircutting or styling by any means.

26 Sec. 8. Section 157.1, subsection 1, Code 2021, is amended
27 to read as follows:

28 1. "*Board*" means the board of barbering and cosmetology arts
29 and sciences.

30 Sec. 9. Section 157.1, subsection 5, paragraph a, Code 2021,
31 is amended to read as follows:

32 a. ~~Arranging, braiding, dressing,~~ Hairstyling, including
33 curling, waving, press and curl hair straightening, shampooing,
34 cutting, singeing, bleaching, coloring, or similar works, upon
35 the hair of any person, or upon a wig or hairpiece when done in

1 conjunction with haircutting or hairstyling by any means.

2 Sec. 10. Section 157.1, subsection 5, Code 2021, is amended
3 by adding the following new paragraphs:

4 NEW PARAGRAPH. f. Nail technology.

5 NEW PARAGRAPH. g. Barbering.

6 Sec. 11. Section 157.1, subsection 6, paragraph e, Code
7 2021, is amended to read as follows:

8 e. ~~Manicuring and pedicuring~~ Hairstyling.

9 Sec. 12. Section 157.1, subsections 26 and 27, Code 2021,
10 are amended to read as follows:

11 26. "*Salon*" means a fixed establishment or place or an
12 establishment that is readily movable where one or more persons
13 engage in the practice of cosmetology arts and sciences,
14 including, but not limited to, a retail establishment where
15 cosmetologists or barbers and hairstylists engage in the
16 practice of cosmetology arts and sciences.

17 27. "*School of barbering and cosmetology arts and sciences*"
18 means an establishment operated for the purpose of teaching
19 cosmetology arts and sciences.

20 Sec. 13. Section 157.2, subsection 1, paragraphs b and h,
21 Code 2021, are amended by striking the paragraphs.

22 Sec. 14. Section 157.2, subsection 2, Code 2021, is amended
23 to read as follows:

24 2. Cosmetologists shall not represent themselves to the
25 public as electrologists, estheticians, or nail technologists
26 unless the cosmetologist has completed the ~~additional~~ course of
27 study for the respective practice as prescribed by the board
28 pursuant to [section 157.10](#).

29 Sec. 15. Section 157.3, subsection 1, paragraph a, Code
30 2021, is amended to read as follows:

31 a. Presents to the department a diploma, or similar
32 evidence, issued by a licensed school of barbering and
33 cosmetology arts and sciences indicating that the applicant
34 has completed the course of study for the appropriate practice
35 of the cosmetology arts and sciences prescribed by the board.

1 An applicant may satisfy this requirement upon presenting a
2 diploma or similar evidence issued by a school in another
3 state, recognized by the board, which provides instruction
4 regarding the practice for which licensure is sought, provided
5 that the course of study is equivalent to or greater in length
6 and scope than that required for a school in this state, and is
7 approved by the board.

8 Sec. 16. Section 157.3, Code 2021, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 3. The board shall adopt rules for the
11 licensure of persons who perform the practice of barbering
12 and hairstyling. A barber and hairstylist licensed pursuant
13 to this subsection shall not practice any cosmetology art or
14 science other than barbering and hairstyling. Nothing in
15 this subsection shall restrict the practice of barbering or
16 hairstyling by a cosmetologist.

17 Sec. 17. Section 157.3A, Code 2021, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 6. Shaving or trimming of a beard by
20 means of a straight edge razor shall only be performed by the
21 following persons:

22 a. A licensed barber and hairstylist.

23 b. A cosmetologist trained and certified in the use of a
24 straight edge razor in compliance with applicable rules of
25 the board. The board shall not require a cosmetologist to
26 complete more than forty clock hours of training to receive a
27 certification under this paragraph.

28 Sec. 18. Section 157.4, subsection 3, paragraph a, Code
29 2021, is amended to read as follows:

30 a. The permit shall be issued for a specific event and may
31 be issued to a salon, school of barbering and cosmetology arts
32 and sciences, or person.

33 Sec. 19. Section 157.7, subsection 1, Code 2021, is amended
34 to read as follows:

35 1. The department of inspections and appeals shall

1 employ personnel pursuant to [chapter 8A, subchapter IV](#), to
 2 perform duties related to inspection functions under this
 3 chapter. ~~The department of inspections and appeals shall, when~~
 4 ~~possible, integrate inspection efforts under [this chapter](#) with~~
 5 ~~inspections conducted under [chapter 158](#).~~

6 Sec. 20. Section 157.8, subsection 1, Code 2021, is amended
 7 to read as follows:

8 1. It is unlawful for a school of barbering and cosmetology
 9 arts and sciences to operate unless the owner has obtained
 10 a license issued by the department. The owner shall file a
 11 verified application with the department on forms prescribed
 12 by the board.

13 Sec. 21. Section 157.8, subsection 2, paragraph c, Code
 14 2021, is amended by striking the paragraph.

15 Sec. 22. Section 157.8, subsection 2, paragraph d, Code
 16 2021, is amended to read as follows:

17 *d.* The school of barbering and cosmetology arts and sciences
 18 must pass a sanitary inspection under [section 157.6](#). An annual
 19 inspection of each school of barbering and cosmetology arts and
 20 sciences, including the educational activities of each school,
 21 shall be conducted and completed by the board or its designee
 22 prior to renewal of the license.

23 Sec. 23. NEW SECTION. 157.8A Use of schools of barbering
 24 and cosmetology arts and sciences.

25 A school of barbering and cosmetology arts and sciences may
 26 be used for purposes other than student instruction during
 27 scheduled instruction time and work experience time so long as
 28 the other activities do not disrupt classes. The board shall
 29 adopt rules for the implementation of this section.

30 Sec. 24. Section 157.9, Code 2021, is amended to read as
 31 follows:

32 **157.9 License suspension and revocation.**

33 Any license issued by the department under the provisions
 34 of [this chapter](#) may be suspended, revoked, or renewal denied
 35 by the board for violation of any provision of [this chapter](#)

1 ~~or chapter 158~~ or rules promulgated by the board under the
 2 provisions of ~~chapter 17A~~.

3 Sec. 25. Section 157.10, subsections 1 and 3, Code 2021, are
 4 amended to read as follows:

5 1. a. The course of study required for licensure for the
 6 practice of cosmetology shall be two thousand one hundred clock
 7 hours, or seventy semester credit hours or the equivalent
 8 thereof as determined pursuant to administrative rule and
 9 regulations promulgated by the United States department of
 10 education. The clock hours, and equivalent number of semester
 11 credit hours or the equivalent thereof as determined pursuant
 12 to administrative rule and regulations promulgated by the
 13 United States department of education, of a course of study
 14 required for licensure for the practices of electrology,
 15 esthetics, and nail technology, ~~manicuring, and pedicuring~~
 16 shall be established by the board. The board shall adopt rules
 17 to define the course and content of study for each practice of
 18 cosmetology arts and sciences.

19 b. The course of study required for licensure which is
 20 limited to the practice of esthetics shall be six hundred
 21 hours.

22 c. The course of study required for licensure which is
 23 limited to the practice of nail technology shall be three
 24 hundred twenty-five hours.

25 3. A ~~barber licensed under chapter 158~~ or a student in
 26 a barber school who ~~applies for licensure in a practice of~~
 27 ~~cosmetology arts and sciences or who enrolls in a school of~~
 28 barbering and cosmetology arts and sciences shall be granted,
 29 at the discretion of the school, at least half credit and
 30 up to full credit for each course successfully completed for
 31 licensure ~~as a barber~~ in the practice of barbering which meets
 32 the requirements for licensure in a the practice of barbering
 33 and hairstyling or the practice of cosmetology arts and
 34 sciences.

35 Sec. 26. NEW SECTION. 157.10A Course of study — barbering

1 and hairstyling.

2 The course of study required for a license to practice
3 barbering and hairstyling shall be one thousand five hundred
4 hours or an equivalent number of semester credit hours or the
5 equivalent thereof. Nothing in this section shall restrict the
6 practice of barbering or hairstyling by a cosmetologist.

7 Sec. 27. Section 157.11, subsection 3, Code 2021, is amended
8 to read as follows:

9 3. A licensed school of barbering and cosmetology arts
10 and sciences at which students practice cosmetology arts and
11 sciences is exempt from licensing as a salon.

12 Sec. 28. Section 157.13, subsection 1, unnumbered paragraph
13 1, Code 2021, is amended to read as follows:

14 It is unlawful for a person to employ an individual to
15 practice cosmetology arts and sciences unless that individual
16 is licensed or has obtained a temporary permit under this
17 chapter. It is unlawful for a licensee to practice with or
18 without compensation in any place other than a licensed salon,
19 or a licensed school of barbering and cosmetology arts and
20 sciences, ~~or a licensed barbershop as defined in [section 158.1](#).~~
21 The following exceptions to [this subsection](#) shall apply:

22 Sec. 29. Section 157.13, subsection 1, paragraph a, Code
23 2021, is amended to read as follows:

24 a. A licensee may practice at a location which is not
25 a licensed salon, school of barbering and cosmetology arts
26 and sciences, or licensed barbershop under extenuating
27 circumstances arising from physical or mental disability or
28 death of a customer.

29 Sec. 30. Section 158.8, subsection 2, Code 2021, is amended
30 to read as follows:

31 2. A person licensed under [section 157.3](#) who enrolls in
32 a barber school shall be granted full credit for each course
33 successfully completed which meets the requirements of the
34 barber school, which shall be credited toward the two thousand
35 one hundred hour requirement, and the ten-month period does not

1 apply. A person who has been a student in a school of barbering
 2 and cosmetology arts and sciences licensed under chapter 157
 3 may enroll in a barber school and shall be granted, at the
 4 discretion of the school, at least half credit and up to full
 5 credit for each course successfully completed which meets the
 6 requirements of the barber school.

7 Sec. 31. Section 261.9, subsection 3, paragraph b, Code
 8 2021, is amended to read as follows:

9 *b.* Is a ~~barber school licensed under section 158.7 or~~
 10 a school of barbering and cosmetology arts and sciences
 11 licensed under chapter 157 and is accredited by a national
 12 accrediting agency recognized by the United States department
 13 of education. For the fiscal year beginning July 1, 2017,
 14 an eligible institution under this paragraph shall provide a
 15 matching aggregate amount of institutional financial aid equal
 16 to at least seventy-five percent of the amount received by
 17 the institution's students for Iowa tuition grant assistance
 18 under section 261.16A. For the fiscal year beginning July
 19 1, 2018, the institution shall provide a matching aggregate
 20 amount of institutional financial aid equal to at least
 21 eighty-five percent of the amount received in that fiscal year.
 22 Commencing with the fiscal year beginning July 1, 2019, and
 23 each succeeding fiscal year, the matching aggregate amount of
 24 institutional financial aid shall be at least equal to the
 25 match provided by eligible institutions under paragraph "a".

26 Sec. 32. Section 261B.11, subsection 1, paragraph i, Code
 27 2021, is amended to read as follows:

28 *i.* Postsecondary educational institutions licensed by
 29 the state of Iowa under ~~section 157.8 or 158.7~~ chapter 157
 30 to operate as schools of cosmetology arts and sciences ~~or as~~
 31 ~~barber schools~~ in the state.

32 Sec. 33. Section 272C.1, subsection 6, paragraph g, Code
 33 2021, is amended to read as follows:

34 *g.* The board of barbering and cosmetology arts and sciences,
 35 created pursuant to chapter 147.

1 Sec. 34. Section 272C.1, subsection 6, paragraph i, Code
2 2021, is amended by striking the paragraph.

3 Sec. 35. Section 714.25, subsection 2, unnumbered paragraph
4 1, Code 2021, is amended to read as follows:

5 A proprietary school shall, prior to the time a student
6 is obligated for payment of any moneys, inform the student,
7 the college student aid commission, and in the case of a
8 school licensed under [section 157.8](#), the board of barbering
9 and cosmetology arts and sciences ~~or in the case of a school~~
10 ~~licensed under [section 158.7](#), the board of barbering, of all~~
11 of the following:

12 Sec. 36. REPEAL. Chapter 158, Code 2021, is repealed.

13 Sec. 37. EMERGENCY RULES. The board of cosmetology arts
14 and sciences, board of barbering, and board of barbering and
15 cosmetology arts and sciences may adopt emergency rules under
16 section 17A.4, subsection 3, and section 17A.5, subsection 2,
17 paragraph "b", to implement the provisions of this Act and
18 the rules shall be effective immediately upon filing unless
19 a later date is specified in the rules. Any rules adopted
20 in accordance with this section shall also be published as a
21 notice of intended action as provided in section 17A.4.

22 Sec. 38. TRANSITION PROVISIONS.

23 1. a. The merger of the boards of barbering and cosmetology
24 arts and sciences in this Act shall not affect the appointment
25 or any term of office of a member of either board prior to the
26 effective date of this Act. A member of the board of barbering
27 or the board of cosmetology arts and sciences shall continue to
28 serve until the member's term expires or the member ceases to
29 hold office, whichever first occurs.

30 b. The initial membership of the board of barbering and
31 cosmetology arts and sciences shall consist of all members
32 of the boards of barbering and cosmetology arts and sciences
33 serving on the effective date of this Act.

34 2. A rule adopted by the board of cosmetology arts and
35 sciences or board of barbering that is in force and effect

1 immediately prior to the effective date of this Act shall
2 continue in full force and effect until the earlier of the
3 following:

4 a. The rule is amended, rescinded, or supplemented by the
5 affirmative action of the board of barbering and cosmetology
6 arts and sciences.

7 b. The rule expires by its own terms.

8 3. Any license or permit issued by the board of cosmetology
9 arts and sciences or board of barbering in effect on the
10 effective date of this Act shall continue in full force and
11 effect until expiration or renewal, except as provided in
12 subsection 8.

13 4. Any funds in any account or fund of the board of
14 cosmetology arts and sciences or board of barbering shall
15 be transferred to the control of the board of barbering and
16 cosmetology arts and sciences.

17 5. Any cause of action, statute of limitation, or
18 administrative action relating to or initiated by the board of
19 cosmetology arts and sciences or board of barbering shall not
20 be affected as a result of this Act and shall apply to the board
21 of barbering and cosmetology arts and sciences.

22 6. All client and organizational files in the possession
23 of the board of cosmetology arts and sciences or board of
24 barbering shall become the property of the board of barbering
25 and cosmetology arts and sciences.

26 7. Any personnel in the state merit system of employment
27 who are mandatorily transferred due to the effect of this Act
28 shall be so transferred without any loss in salary, benefits,
29 or accrued years of service.

30 8. A person licensed as a barber as of the July 1, 2021,
31 shall be considered to be a person licensed to practice
32 barbering and hairstyling and shall be issued a license to
33 practice barbering and hairstyling upon the expiration of the
34 person's barbering license. Such a license shall permit such a
35 person to continue to practice barbering as provided in chapter

1 158, Code 2021.

2 9. A person currently enrolled in a barbering school in a
3 course of study requiring at least two thousand one hundred
4 hours of instruction must complete the course of study by
5 August 1, 2022. Each school of cosmetology arts and sciences
6 shall offer a course of study in barbering and hairstyling by
7 August 1, 2022.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill relates to the practices of barbering and
12 cosmetology. The bill merges the boards of cosmetology
13 arts and sciences and barbering into the board of barbering
14 and cosmetology arts and sciences, repeals Code chapter
15 158 governing barbering, and makes conforming changes. The
16 bill gives the board of barbering and cosmetology arts and
17 sciences all of the powers and responsibilities of the prior
18 boards. The bill provides that current members of the boards
19 of barbering and cosmetology arts and sciences shall become
20 members of the merged board until their terms otherwise expire
21 or they are otherwise replaced. The bill also provides that
22 the current rules of both boards shall remain in effect until
23 the board of barbering and cosmetology arts and sciences
24 amends, rescinds, or supplements the rules, or the rules expire
25 by their own terms. The bill grants the board of barbering,
26 the board of cosmetology arts and sciences, and the board
27 of barbering and cosmetology arts and sciences emergency
28 rulemaking authority to implement the provisions of the bill.
29 The bill also provides other transition provisions.

30 The bill changes the definition of "cosmetology" by removing
31 arranging, braiding, and dressing of hair and adds hairstyling.
32 The bill also adds nail technology and barbering to the
33 practices encompassed within the definition of "cosmetology".
34 The bill directs the board of barbering and cosmetology arts
35 and sciences to develop a program for the certification of

1 current cosmetologists to perform shaving with a straight
2 edge razor. The bill removes "manicuring and pedicuring"
3 from the definition of "cosmetology arts and sciences" and
4 changes the definition of "salon" to include a readily movable
5 establishment.

6 The bill sets the training requirements for a license to
7 practice esthetics to 600 hours and the training requirements
8 for a license to practice nail technology to 325 hours.

9 The bill renames schools of cosmetology arts and sciences
10 to "schools of barbering and cosmetology arts and sciences".
11 The bill allows a school of barbering and cosmetology arts and
12 sciences to be used for purposes other than student instruction
13 so long as the activities do not disturb student instruction.

14 The bill also directs the board of barbering and cosmetology
15 arts and sciences to adopt rules for the licensure of persons
16 who practice barbering and hairstyling. Under current
17 law, cosmetologists and barbers may both provide services
18 that include hairstyling. The bill preserves the ability
19 of cosmetologists to provide such services and instructs
20 the board to create a new license permitting barbering and
21 hairstyling licensees to provide only barbering and hairstyling
22 services. The bill provides a definition of hairstyling
23 and adds hairstyling to the list of cosmetology arts and
24 sciences disciplines. The bill also includes definitions for
25 "barbering" and "hairstyling".

26 The bill also provides for the development of a process
27 for the licensure of persons who provide both hairstyling and
28 barbering services but who do not practice any of the other
29 cosmetology arts and sciences.